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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

<u>**EX PARTE**</u>

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: CC Docket No. 96-115, CPNI
      WT Docket No. 96-162, Safeguards for LEC CMRS

Friday, Betsy Granger, Senior Attorney, Pacific Bell Mobile Services, and I met with
Karen Brinkmann, Assistant Chief, Wireless Telecommunications Bureau, and Bill
Kehoe, Senior Attorney, Common Carrier Bureau, to discuss the matters summarized in
the attachment. Please associate this material with the above-referenced dockets.

We are submitting two copies of this notice in accordance with Section 1.1206(a)(1) of the
Commission's rules. Please stamp and return the provided copy to confirm your receipt.
Please contact me should you have any questions.

Sincerely,

GINA HARRISON /AFC

Attachment

cc: K. Brinkmann
       B. Kehoe

Presentation by Pacific Bell Mobile
Services on CPNI and Wireless
Service CC Docket No. 96-115 and
WT Docket No. 96-162

September 13, 1996

The New CPNI Rules Should Not Focus on Enhanced Services and CPE

- Existing CPNI rules are based on distinctions of basic service, enhanced service and CPE in the landline context.

- Some parties advocate that the CPNI requirements of the Telecommunications Act of 1996 should maintain this focus.

- As Pacific Telesis explained in its comments and ex parte filings, the new rules should focus on buckets and integrated packages within the buckets, not on CPE and enhanced services.

- This is especially true for wireless service which has never been subject to CPNI rules related to CPE and enhanced services.

Wireless Service Encompasses All Associated Components

- Whether or not the Commission concludes a separate bucket of wireless service is appropriate, all components of a wireless service (local, long distance, handsets, voice mail, text messaging, etc.) should be treated as "services necessary to, or used in the provision of such telecommunications service" and not subject to any CPNI restrictions.

Historically, the Commission Has Treated the Wireless Family as a Whole

- Over a decade ago, the Commission analyzed the nature of wireless offerings and concluded that the wireless family of services can be provided without regard to the distinction of CPE and enhanced/information services. <u>In the Matter of Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies</u>, CC Docket No. 84-637, 57 Rad. Reg. 2d 989 (1985).

Historically, the Commission Has Treated the Wireless Family as a Whole

- In that decision the Commission concluded that cellular service, CPE, and enhanced services could be provided in one subsidiary.

- No CPNI rules were imposed on services and products offered within the subsidiary.

- The only CPNI rule that was imposed prohibited BOCs from sharing CPNI with the cellular subsidiary unless such information was publicly available on the same terms and conditions.

The CPNI Provisions of the Telecommunications Act Do Not Require any Subdivision Within Wireless Service.

- Wireless services are competitive.

- Any division within the wireless family of services for CPNI purposes would hamper the marketing efforts of wireless carriers and confuse the public.

- The rationale for adopting the CPNI rules simply doesn't exist in the wireless context.

Conclusion

- The procompetitive, deregulatory goals of the 1996 Telecommunications Act will be furthered by continuing to allow wireless carriers to market their services and products as a whole.

- Treating the wireless family of services as a whole does not change the relationship with the services in the other buckets. Consent is still required to obtain CPNI from the local and long distance buckets.